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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/245,354	02/05/1999	CHARLES MARIE HERVE NOBLET	Q53197	4832

7590

07/30/2002

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EXAMINER

TRAN, KHANH C

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 07/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/245,354

Applicant(s)

NOBLET, CHARLES MARIE  
HERVE

Examiner

Khanh Tran

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 February 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 1999 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☒ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other:

### DETAILED ACTION

1. The amendment A filed on 05/08/2002 has been entered. Claims 1-13 are still pending in this Office action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ward et al. U.S. Patent 5,974,320.

Regarding claim 1, Ward et al. discloses a neighborhood zone defined within a mobile telecommunications network to cover a particular geographic area. The defined neighborhood zone comprises a plurality of cell areas and a base station is serving each cell area. Each base station is further associated with a measurement channel,

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known as pilot channel, to be broadcast over its respective cell area. The pilot channel of each cell includes a neighborhood list including data that identify frequencies to be monitored by the mobile station for mobile services. Ward et al. further teaches a plurality of channels, including traffic channels, are assigned to a single base station serving a particular cell area. Since pilot channels only carry a small amount of information, they inherently have smaller bandwidth than traffic channels, which carry voice and control channels.

Regarding claims 2, 3 and 7, Ward et al. discloses a neighborhood zone defined within a mobile telecommunications network to cover a particular geographic area as described in claim 1. Therefore, the pilot channels and traffic channels being used in cell areas within the network inherently have standard radio interface which allows a mobile station to communicate with a base station and vice versa in the network.

Regarding claims 4-6, Ward et al. teaches all limitations of claims 1-3 and further discloses that a neighborhood list defined within the mobile telecommunications network includes data specifying all measurement (pilot) channels associated with a plurality of base stations included within the neighborhood zone.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claim 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al. U.S. Patent 5,974,320 in view of Coursey et al. U.S. Patent 5,950,130.

Regarding claim 8, Coursey discloses two limitations in claim 1, but fails to teach downloading the reprogramming data to the mobile station on another channel. Coursey discloses an intelligent roaming process includes scanning a frequency band for a control channel at home or where the mobile station can locate a control channel; then, over-the-air programming the mobile phone on that channel. It is evident that a mobile station traveling (roaming) within a particular mobile telecommunications network frequently needs to monitor pilot channels broadcast in the network for available frequencies and perform reprogramming over the air the parameters associated with the base station in that particular cell. Therefore, modifying Ward et al.'s method to include over-the-air reprogramming as taught by Coursey would have been obvious to one skill in the art.

Regarding claims 9 and 10, Coursey recites some limitations of claims 9 and 10 in claim 8. Furthermore, claims 9-10 are rejected using the same arguments as in claims 2, 3 and 7.

Regarding claims 11-13, Ward et al. and Coursey recites some limitations of claims 11-13 in claim 1, 7-9. Furthermore, claims 11-13 are rejected using the same argument as in claims 4-6.

### ***Conclusion***

4. The prior art made of record and not relied upon could be considered pertinent to applicant's disclosure:

Zicker U.S. Patent 5,794,141 discloses a multi-mode network w/ hand-set-assisted cordless base station activation.

Lynch et al. U.S. Patent 5,761,618 discloses an updating technique for downloading new system identification list into a handset.

Stair et al. U.S. Patent 5,381,138 discloses an intelligent over-the-air programming.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 703-305-2384. The examiner can normally be reached on Monday - Friday from 08:00 AM - 04:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

KCT  
July 24, 2002

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

7/25/02